

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

G. KENT PLUNKETT,)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 04-10765-NG
)
VALHALLA INVESTMENT)
SERVICES, INC. AND)
ERIC T. HOUSE)
Defendant.)

AFFIDAVIT OF BRIAN P. VOKE

I Brian P. Voke, being duly sworn on my oath depose and state as follows:

1. I am counsel for Valhalla Investment Services Inc. and Eric T. House.
2. Following the court's mediation order of October 20, 2005, I wrote the attached letter to Magistrate Judge Judith Gail Dein advising the Court that my client and I believed that a mediation at this time is inappropriate and would be unproductive for the parties and the Court given the status of this case, the nature of the claim and the outstanding motion to dismiss for lack of jurisdiction.

Sworn under the pains and penalties of perjury this 19th day of January, 2006

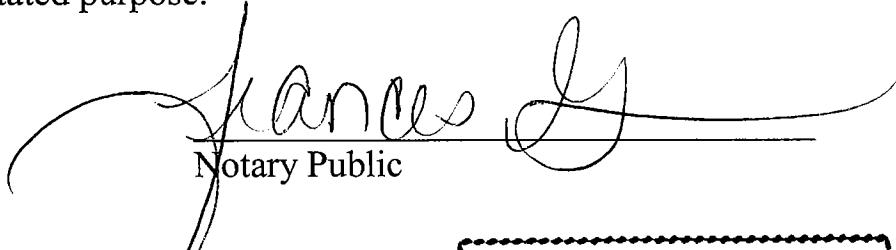


Brian P. Voke, Esq.

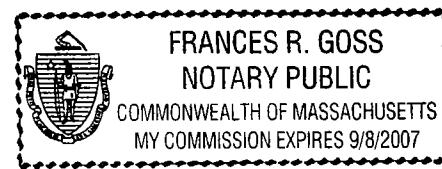
Commonwealth of Massachusetts

Suffolk, ss.

On this 19th day of January 2006, before me, the undersigned notary public, personally appeared Brian P. Voke, proved to me through satisfactory evidence of identification, being my own personal knowledge of the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Frances R. Goss
Notary Public



BRIAN P. VOKE
617-241-3042
bvoke@campbell-trial-lawyers.com

October 24, 2005

The Honorable Judith Gail Dein
United States Magistrate Judge
United States District Court
District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: **G. Kent Plunkett v. Valhalla Investment Services, Inc.
and Eric T. House – USDC C.A. No.: 04-CV 10765NG**

Dear Sir or Madam:

I am writing in response to the Court's Mediation Order of October 20, 2005 for a mediation on November 1, 2005. Both my client and I believe that a mediation at this time is inappropriate and would be unproductive for the parties and the Court given the status of this case, the nature of the claim and the outstanding motion to dismiss for lack of jurisdiction.

Further, if the Court proceeds with mediation at some date in the future, my client would request permission to participate over the telephone as he is self-employed and for him to travel from Cleveland, Ohio would result in unnecessary expenses.

Thank you for your courtesy and consideration in this regard.

Very truly yours,

Brian P. Voke

BPV:cew

cc: H. Joseph Hameline, Esquire